APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,940	01/15/2004	Stephen G. Moore	14846-25	4644

7590   05/11/2009

MICHAEL B. JOHANNESEN, ESQ.
LOWENSTEIN SANDLER PC
65 LIVINGSTON AVENUE
ROSELAND, NJ 07068

EXAMINER
CHEUNG, MARY DA ZHI WANG

ART UNIT	PAPER NUMBER
3694	

MAIL DATE	DELIVERY MODE
05/11/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 February 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to amendment filed on February 26, 2009. Claims 1-16

are pending and examiner below. Claim 1, 7 and 16 are amended.

Response to Arguments

2.   Applicant's arguments filed on February 26, 2009 have been fully considered but

they are not persuasive.

With respect to the applicant's argument that Potter does not teach or suggest

"providing a user input for manually entering pricing data", the examiner respectfully

disagrees because Potter teaches the user manually entering trading currency amount

that corresponds to this limitation. Furthermore, the examiner would like to point out

that "pricing data" is not functional descriptive material; therefore, it bears no patentable

weight (see MPEP 2106.01 and 2106.02).

With respect to Applicant's argument that the dependent claims are allowable for

their incorporation of subject matter claimed in the independent claims, Examiner

disagrees in light of the discussion above.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1, 4-7 and 12-16 are rejected under 35 U.S.C. 102(b) as being

anticipated by US Patent 5,787,402 to Potter (Potter).

With respect to claim 1

Potter teaches:

> A computer implemented method for pricing a trade comprising:
>
>> providing a user input capable of entry of trade data (inputting information, see col 3, line 22);
>>
>> providing a structure capable of receiving said trade data (new order entry screen, see col 13, lines 34-43 and Fig 24);
>>
>> providing a user input capable of manually entry of pricing data, wherein pricing data manually entered by the user added to said structure (column 7 lines 35-36 and Fig. 5; *"manually entry of pricing data" corresponds to the trading currency amount entered by the user*) and pricing data not manually entered by the user is received by said structure from a pricing system (column 12 lines 40-44; *"pricing data not manually entered by the user" corresponds to the automatically executed pricing that within the user specified parameters*); and
>>
>> displaying said structure with said trade data including pricing information (when the rate is received, the Term of the currency will be displayed, see col 8, lines 1-5).

With respect to claims 4 and 12

Potter teaches:

> providing a user input for entering one or more trades comprises translating data representing one or more trades from a user treasury system into a form suitable

for use in said structure (inputting information, see col 3, line 22. Note that the

input action translates the conceptual order, including the goals and aims of the

purchaser, into the specific inputs to be processed by the system).

With respect to claims 5 and 13

Potter teaches:

A method in accordance with claim 1 (see rejection of claim 1 above) wherein

displaying said structure comprises translating data from said structure into data

representing one or more trades in a user treasury system (transaction view, see

col 10, lines 51-60 and Fig 18).

With respect to claim 6

Potter teaches:

wherein providing a user input for entering trade data comprises providing a user

input for entering trade data directly into said structure (various terminals, see col

3, lines 20-26).

With respect to claim 7

See rationale support the rejection of claim 1 above.

With respect to claim 14

Potter teaches:

storing said trade data at said pricing system (stores a time-stamped copy of the

rate quotation, see col 7, lines 53-56).

With respect to claim 15

Potter teaches:

executing one or more trades using said trade data stored at said pricing system

(the FX Trade Server sends a copy of the trade to the Multibank Confirmation

and Settlement System, see col 8, lines 19-67).

With respect to claim 16

Potter teaches:

A computer implemented method for pricing a trade comprising:

providing a user input capable of entry of trade data (inputting

information, see col 3, line 22);

providing a structure capable of receiving said trade data (new

order entry screen, see col 13, lines 34-43 and Fig 24);

providing a user input capable of manually entry of pricing data,

wherein pricing data manually entered by the user is added to said

structure (column 7 lines 35-36 and Fig. 5; *"manually entry of pricing data"*

corresponds to the trading currency amount entered by the user), and

displayed wit said trade data including pricing information devoid of

encrypting and decrypting of said structure on a computer screen (Figs.

15-16; note there is no encryption or decryption taking place); and wherein

pricing data not manually entered by the user is received by said structure

from a pricing system (column 12 lines 40-44; *"pricing data not manually*

entered by the user" corresponds to the automatically executed pricing

that within the user specified parameters); and

> displaying said structure with said trade data including pricing
>
> information (when the rate is received, the Term of the currency will be
>
> displayed, see col 8, lines 1-5).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

7.   Claims 2-3 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Potter in view of US Patent Application Publication 2002/0156719 to Finebaum

(Finebaum).

<u>With respect to claim 2</u>

Potter teaches:

A method in accordance with claim 1 (see rejection of claim 1 above), but does

not explicitly teach further comprising: encrypting said structure before

transmitting said structure to a pricing system.

Finebaum teaches:

further comprising: encrypting said structure before transmitting said structure to

a pricing system (see par 31 and 50).

It would have been obvious to one having ordinary skill in the art at the time of

Applicant's invention to have provided Potter with the encryption features taught by

Finebaum in order to have allowed only authorized users to access the system as

taught explicitly by Finebaum (see par 31).

<u>With respect to claim 3</u>

Potter in view of Finebaum teaches:

A method in accordance with claim 1 (see rejection of claim 1 above) further

comprising: decrypting said structure after receiving said structure from said

pricing system (see Finebaum par 31 and 50, note that it is inherent in an

encrypted communication system that the intended receiver of the

communication decrypt it.)

(see rational supporting obviousness and motivation to combine of claim 2 above).

<u>With respect to claim 8</u>

Potter in view of Finebaum teaches:

A method in accordance with claim 7 (see rejection of claim 7 above) further

comprising: encrypting said structure at said user system before transmitting said

structure to said pricing system (see Finebaum, par 31 and 50).

(see rational supporting obviousness and motivation to combine of claim 2 above).

<u>With respect to claim 9</u>

Potter in view of Finebaum teaches:

A method in accordance with claim 8 (see rejection of clam 8 above) further

comprising: decrypting said structure at said pricing system after receiving said

structure from said user system. (see Finebaum par 31 and 50, note that it is

inherent in an encrypted communication system that the intended receiver of the

communication decrypt it.)

(see rational supporting obviousness and motivation to combine of claim 2 above)

<u>With respect to claim 10</u>

Potter in view of Finebaum teaches:

A method in accordance with claim 7 (see rejection of claim 7 above) further

comprising: encrypting said structure at said pricing system before transmitting

said structure to said user system(see Finebaum, par 31 and 50).

(see rational supporting obviousness and motivation to combine of claim 2 above)..

<u>With respect to claim 11</u>

Potter in view of Finebaum teaches:

A method in accordance with claim 10 (see rejection of claim 10 above) further

comprising: decrypting said structure at said user system after receiving said

structure from said pricing system. (see Finebaum par 31 and 50, note that it is

inherent in an encrypted communication system that the intended receiver of the

communication decrypt it.)

(see rational supporting obviousness and motivation to combine of claim 2 above)

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Inquire

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mary Cheung whose telephone number is (571)-272-

6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to

7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the
examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone numbers for the organization where this application or
proceedings is assigned are as follows:

(571) 273-8300   (Official Communications; including After Final

Communications labeled "BOX AF")

(571) 273-6705   (Draft Communications)

/Mary Cheung/
Primary Examiner, Art Unit 3694
May 8, 2009